

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL DOCKET NO.: 5:02CV105-V**

LARRY BLACK,)	
Plaintiff,)	
)	
vs.)	ORDER
)	Rule 41(a)(2) Dismissal
F & S, LLC, et al.,)	
Defendants.)	
)	

THIS MATTER is before the court upon an oral motion of Plaintiff Larry Black, through counsel, made in open court on October 8, 2008. Plaintiff Black moves for voluntary dismissal *without prejudice* of all remaining causes of action against Defendants F & S, LLC (a/k/a Fischer-Schindler, LLC), James F. Garro, and Sienna Financial, Ltd.¹

Under Rule 41(a)(2),

“[A]n action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper ... Unless the order states otherwise, a dismissal under this paragraph (2) is without prejudice.”

FED. R. CIV. P. 41(a)(2).

IT IS HEREBY ORDERED that Plaintiff’s claims with respect to Defendants F & S, LLC (a/k/a Fischer-Schindler, LLC), James F. Garro, and Sienna Financial, Ltd. are **DISMISSED without prejudice** pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

¹ Plaintiff’s Amended Complaint, filed August 6, 2004, alleged the following causes of action for each of these defendants: F & S, LLC - Counts 2, 3, 8 and 13; James F. Garro - Counts 1 - 13; and Sienna Financial, Ltd. - Counts 9, 11, 12-13. (Document #42)

Signed: October 9, 2008



Richard L. Voorhees
United States District Judge

